IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 139 OF 2006

IN

CRIMINAL APPEAL NO. 1371 OF 2003

Sanjay Seetaram Khandgavare & Anr... Applicants.

Versus

The State of Maharashtra. .... Respondent.

Mr. Ashwini Shetye with Mr. Sachindra B. Shetye for the Applicants.

Mr. Rajesh More, APP for the State.

CORAM : V. M. KANADE, J.

DATED : 15TH FEBRUARY, 2006.

P.C.:

Heard learned Counsel for the Applicants and the learned APP for the State.

2. The Applicants have been convicted for the offences punishable under Section 498A, 306 read with 34 of the Indian Penal Code and are sentenced to suffer R.I. for 5 years. The Applicants are in jail since November, 2003. The Applicants, therefore, have undergone almost more than half the sentence which has

been imposed upon them by the trial Court. The Appeal may not reach final hearing at least for another 3 to 4 months. The earlier application was rejected in October, 2005. Thereafter, six months have elapsed and yet the appeal is not heard. The appeal is provided to the convicted accused as a substantive statutory right, which is provided by a statute and if the appeal is not likely to be heard in the near future the appellant is entitled to be released on bail.

3. Under the circumstances, the Applicants, namely, Sanjay Seetaram Khandgavare and Vilas Seetaram Khandgavare be released on bail in the sum of Rs.5,000/- each with one or two sureties in the like amount. The Applicants shall report to the Parola Police Station, Malegaon, Dist. Nasik, once in a month.

4. The Application is disposed of in the terms aforesaid.

Sd/-

(V. M. KANADE, J.)